

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT FOR:
OMB CLEARANCE OF A NEW INFORMATION COLLECTION
TO SUPPORT GROUNDFISH OBSERVER PROGRAM OFF THE
WASHINGTON-OREGON-CALIFORNIA COAST**

INTRODUCTION

NMFS manages the U.S. groundfish fisheries off the Washington-Oregon-California (WOC) coast under the Pacific Coast Groundfish FMP which is consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations implementing the FMP appear at 50 CFR part, 660 Subpart G. General regulations that also pertain to U.S. fisheries appear at Subpart H of 50 CFR 600. The Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) authorizes the Secretary to station observers aboard commercial fishing vessels to collect scientific data for the purposes of fishery conservation and management.

With the exception of the mid-water trawl fishery for Pacific whiting, most groundfish vessels that deliver to shore-based processors sort their catch at sea and discard species that are: in excess of cumulative trip limits, unmarketable, targeted in non-groundfish fisheries, or in excess of annual allocations. Landed or retained catch is monitored by the individual state run fish ticket programs, however because a portion of the catch is discarded at sea there is no opportunity for NMFS or the States to monitor total catch (retained plus discarded catch) at the processing facilities. This lack of information on at-sea discards has resulted in very "soft" estimates of total catch and fishing mortality.

Discard information is needed to assess and account for total fishery mortality and to evaluate management measures including rebuilding plans for overfished stocks. Discard estimates based on limited studies conducted in the mid-1980s and information on species compositions in landings are available for some groundfish species, for other species there is little or no discard information. With significant reductions in cumulative trip limits in recent years and with additional species being managed with trip-limits, concerns have been raised about the applicability of discard estimates based on data collected in the 1980s. Accurate estimates of discards from which total catch can be derived are an important component of any fishery management and analysis program. If the discard estimates are too high, then the industry is foregoing some short-term yield; if discard estimates are too low, then the long-term health of the stock may be jeopardized.

Observers are a uniformly trained group of scientists who are stationed aboard vessels to gather fishery conservation and management data that is too burdensome for vessel personnel to collect and would otherwise not be available for managing the fisheries. Since the early 1990's the Council has viewed at-sea observers as a viable means to collect much needed discard data. At its April 1999 meeting, the Council proposed development of an on-board observer program, with the goal of having a program ready for implementation in 2000.

The purpose of the rulemaking is to: establish a regulatory framework which would facilitate the placement of observers aboard vessels in accordance with a statistically sound coverage plan;

safeguard the observer's well-being; and establish sampling conditions necessary for an observer to follow sampling protocols and thereby maintain the integrity of observer data collections. The information collection under this proposed rule would include:

1) Departure reports would be a toll free phone call (no form) placed to NMFS, its designated agent or a calling service to provide notice of expected departure dates and times. A call would be made at-least 24 hours prior to departure for fishing.

2) Cease fishing reports would also be a toll free phone call (no form) placed to NMFS, its designated agent or a calling service to provide notice, not less than 24 after ceasing all groundfish fishing, for the purpose of leaving the fishery management area or to fish for species not managed under the groundfish management plan. This report would be made when a vessel in the observed portion of the fleet ceases to participate in the groundfish fishery, not when they cease a specific fishing trip.

JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. A departure report (no form) is necessary for NMFS or its designated agent to 1) identify which vessels need to carry observers and 2) to coordinate the placement of observers aboard vessels. The cease fishing report is necessary to identify which vessels are in the pool of vessels being sampled. Knowing which vessels are no longer part of the sample pool will allow NMFS or its designated agent to adjust selection methods to meet the desired observer coverage levels while allowing observer effort to be used efficiently. It is necessary for a vessel owner, operator or representative to submit these reports because only they can make statements about their future intent.

2. Explain how, by whom, how frequently, and for what purpose the information is to be used. Information from departure reports is used by NMFS to determine whether to place observers on selected vessels in order to obtain detailed information on fishing practices and the characteristics of the catch. These data are needed by NMFS to estimate total catch by species, collect data necessary to assess the status of stocks, to determine protected species interactions, and to evaluate economic conditions in the fishery. In addition to departure reports, cease fishing reports are needed to define the population of vessels that are being sampled, to adjust selection methods to meet the desired observer coverage levels so observer effort can be used efficiently. Data integrity is maintained by allowing random sampling protocols to be followed.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology, and the basis for the decision for adopting this means of collection; describe any consideration of the use of improved technology to reduce the burden on the public. Departure and cease fishing notifications will be easily made by telephone to NMFS, its designated agent or a calling service.

4. Describe efforts to identify duplication with other collections which may be gathering the same or similar information, and show specifically why any similar information already available cannot be used or modified for use for the purposes) described in 2. The departure and ceasing fishing reports are information submissions that will be unique to the observer program and direct duplication with other collections will not exist.
5. If the collection of information will have a significant impact on small entities such as small businesses, organizations, or government bodies, describe the methods used to minimize burden on these entities. All of the vessels affected by this collection are considered small businesses. To minimize the burden on small entities, only the minimum data necessary to effectively place observers within the fleet in a manner that is consistent with a statistically sound coverage plan are being collected. In addition a toll free number will be used to reduce the burden on small entities.
6. Describe the consequences to Federal program or policy activities if the collection would not be conducted or would be conducted less frequently. All information is required to effectively place observers within the fleet in a manner that is consistent with a statistically sound coverage plan. Collecting this information less frequently is likely to impair the ability to place observers according to the coverage plan, this would significantly reduce the usefulness of data collected for conservation and management purposes.
7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. No special circumstances exist that would require the information collection to be conducted in a manner inconsistent with OMB guidelines.
8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions, the amount of burden to be imposed and ways to minimize the burden. A Federal Register notice of proposed rulemaking will be published that solicits advance public comment on the collection.
9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees. No payment or gifts to respondents are provided under this collection.
10. Describe any assurance of confidentiality provided to respondent and the basis for the assurance in statute, regulation, or agency policy. Because the information collected is from commercial operations, the Privacy Act does not apply. The information collected is confidential under section 402(b) of the Magnuson Act (16 U.S.C. 1801 *et seq*) All data submitted are treated in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.
11. Collection of information of a private and sensitive nature. This collection of information does not include any sensitive information.

12. Estimates of annualized costs to respondents. Provide an estimate in hours of the burden of the collection of information. The information collection under this proposed rule would include departure and cease fishing reports which would be a toll free phone call placed to NMFS, its designated agent or a calling. The cost to the industry to provide this information increases as the number of vessels in the pool of potentially observed vessels increases. The maximum cost to the fleet to provide logistical information would occur if the coverage strategy were to randomly sample trips from the entire open access and limited entry fleet.

12.a. Provide the number of respondents expected annually, the frequency of their response, the total number of responses expected, the average response time per respondent, and the total annual response time (in hours) for the collection.

See Table 1.

Table 1. Recordkeeping Burden and costs

Record type	No. of responses per vessel per year	Minutes per record	Hrs per vessel per yr	No. of Vessels	Total No. of responses for fleet	Total hrs for fleet
Fishing departure reports	15	5 min.	1.25 hrs	2,116	31,740	2,645 hrs
Cease fishing reports	10	5 min.	0.8 hrs	967	9,670	806 hrs
TOTAL	---	---	---	---	41,410	3,451 hrs

12.b. Provide estimates of annualized cost to respondents for the hour burden for the collection, identifying and using appropriate wage rate categories. See Table 2

Table 2. Recordkeeping Burden and costs

Record type	No. of responses per vessel per year	No. of Vessels	Annual cost	
			Vessel	Fleet
Fishing departure reports	15	2,116	\$50.4	\$63,480
Cease fishing reports	10	967	\$19.2	\$19,344
TOTAL	---	---	\$69.6	\$82,824

*Assumes vessel operator will submit – \$24/hr

** Assumes vessel operator and 2 crew will participate – \$48/hr

13. Provide an estimate of the total annual cost burden to the respondent or recordkeepers resulting from the collection. There is no start-up capital cost for complying with this requirement.

13.a. Total capital and start-up costs: None.

13.b. Total operations, maintenance, and purchases of services: Because departure and cease fishing reports are toll free phone calls, no submission cost are expected.

14. Estimates of annualized cost to NMFS:

Enforcement costs. Certain costs would be incurred by NMFS to enforce the proposed reporting requirements. This burden is expected to be within the current enforcement costs necessary to support the conservation and management role of NMFS.

Administrative costs. Costs would be incurred directly by NMFS or through a federal contract to administer the reporting requirements. Additional personnel would need to be employed to process the proposed collection. A GS-7 could spend about half of their time processing departure reports and cease fishing reports, at an estimated cost of about \$16,379 per year (0.5 x \$32,758 annual salary). Cost to NMFS to support a toll free phone line is expected to be approximately \$11,000 annually. The sum of the estimated annual costs to NMFS is \$27,379.

15. Explain reasons for changes in burden. The information burden and costs identified in items 13 and 14, above, are a result of new information collections that are included as part of a proposed rule to implement the Observer Program. This is therefore a program change..

16. Collections of information planned to be published for statistical use. No plans exist for publishing the information collected.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain why the display is inappropriate. No forms would be developed by NMFS or its designated agent. The preamble of the final rule published in the Federal Register will notify the public of the expiration date for OMB approval of the information collection.

18. Explain each exception to the certification statement. There are no exceptions to the certification statement in this proposed collection of information.